

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Appeal (Ld). No.810 of 2003
in
Summons for Judgment no.1266 of 2001
in
Summary Suit No. 1089 of 1999
with
Notice of Motion No.2478 of 2003

Dr.Pankaj Champaklal Gandhi ..Appellant

vs.

Smt.Savitriben M.Sanghvi ..Respondent

Appellant in person.

Mr.S.K.Punder with Mr.D.R.Sanghvi for respondent.

**CORAM: A.P.SHAH &
S.J.VAZIFDAR JJ.
2nd March, 2005**

P.C.

1. By the impugned order dated 10th December, 2002, learned single Judge made the summons for judgment absolute and passed the decree against the appellant. The appellant moved a Notice of Motion No.3596 of 2000 for setting aside the exparte decree. This notice of motion came to be dismissed on 9th January, 2003 on merits. The learned single Judge recorded a finding that the appellant failed to make out any defence to the summary suit. Against the order dated 9th January, 2003 appeal was preferred before the Divisison Bench which came to be dismissed on 9th June, 2003. In view of dismissal of the notice of motion and the appeal, the present appeal filed by the appellant seeking

to challenge the order dated 10th December, 2002 is clearly not maintainable. Hence Notice of Motion as well as the appeal are dismissed.